

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES BISHOP,

Plaintiff,

v.

WARDEN, JAY FORSHEY, *et al.*,

Defendants.

:

Case No. 2:25-cv-292

Chief Judge Sarah D. Morrison

Magistrate Judge Karen L.

Litkovitz

:

ORDER

James Bishop is an Ohio inmate that filed this *pro se* action against the warden, and four prison staff members¹ at Noble Correctional Institution for withholding his legal mail. (Compl., ECF No. 1-1.) This matter is before the Court on the Order and Report and Recommendation issued by the Magistrate Judge on May 5, 2025. (R&R, ECF No. 11.) After performing an initial screen of the Complaint pursuant to 28 U.S.C. § 1915(e)(2), the Magistrate Judge recommended that the Court dismiss in part Mr. Bishop's claims, allowing his First Amendment legal mail and retaliation claims to go forward against Mr. Perkins, Mr. Crossin, and Mr. Holiday in their individual capacities. (R&R.) The Magistrate Judge further recommended that the Court deny Mr. Bishop's Motion for Preliminary Injunction (ECF No. 6) and certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting the R&R would not be in good faith and deny Mr. Bishop's

¹ Warden Jay Forshey, Lt. Edward Perkins, Mailroom C/O Justin Crossin, Mailroom C/O L. Holiday, and Investigator E. Robertson.

leave to file *in forma pauperis*. (*Id.*) The time for filing objections has now passed and no objections were filed.

The Report and Recommendation is **ADOPTED** and **AFFIRMED**. Mr. Bishop's Complaint is **DISMISSED in part**:

- Mr. Bishop's First Amendment legal mail and retaliation claims against Mr. Perkins, Mr. Crossin, and Mr. Holiday in their individual capacities may proceed. In all other respects, Mr. Bishop's claims are **DISMISSED**.

Mr. Bishop's Motion for Preliminary Injunction (ECF No. 6) is **DENIED**.

The Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON, CHIEF JUDGE
UNITED STATES DISTRICT COURT